

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RALPH HOWARD BLAKELY,

Petitioner,

V.

PATRICK GLEBE,

Respondent.

CASE NO. C14-5244 BHS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”)

of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 15), and

Petitioner Ralph Howard Blakely's ("Blakely") objections to the R&R (Dkt. 16).

On June 19, 2014, Judge Strombom issued the R&R recommending that the Court

transfer Blakely's petition to the Ninth Circuit because it is a second or successive petition. Dkt. 15. Blakely objects to the transfer on the basis that he is actually innocent.

Dkt. 16. Whether or not Blakely is actually innocent does not change the fact that he

must seek permission from the Ninth Circuit before filing a second or successive petition.

28 U.S.C. § 2244(b)(3)(A)

1 Therefore, the Court having considered the R&R, Blakely's objections, and the
2 remaining record, does hereby find and order as follows:

3 (1) The R&R is **ADOPTED**;

4 (2) The Clerk shall **TRANSFER** the petition to the Ninth Circuit; and

5 (3) This case shall be administratively closed.

6 Dated this 13th day of August, 2014.

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BENJAMIN H. SETTLE
United States District Judge
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